

Docket No: MÜCKTER-2
Appl. No: 10/601, 280

REMARKS

This Amendment is submitted preliminary to the issuance of an Office Action in the present application and in response to the Official Action of December 9, 2005.

In light of the final rejection of claims 2, 4-6, 8 and 10-22 on newly cited reference U.S. Patent No. 6,116,862 to Rau, applicant files this RCE to have an opportunity to argue the newly cited Rau reference. Applicant hereby requests reconsideration of the previously rejected claims 21 and claims dependent thereon.

In addition, applicant is presenting new claims setting forth the invention. New independent claim 23 is presented in which the tubeless connection of the pump with vascular tissue has been more clearly recited. Claims 4, 6, 8, 11-13 and 17, 19, 20 and 22 have been amended to make them directly or indirectly dependent on claim 23. New dependent claims 24 and 25 are also presented

Prior independent claim 21 and claims 8 and 10 dependent therefrom were retained. Reconsideration of the Examiner's refusal of claim 21 and the claims dependent therefrom is respectfully requested.

It is noted that claims 2, 16 and 22 were rejected under 35 U.S.C. first paragraph. It is further noted that claims 2, 11, 12, 19 and 20 were rejected under 35 U.S.C. 112, second paragraph.

Claims 6, 8, 10-12, 19, 21 and 22 stand rejected under 35 U.S.C. 102(b) as clearly anticipated by U.S. patent No. 6,116,862 to Rau.

Claims 2, 4, 5 and 20 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Rau in view of U.S. Patent No. 4,957,504 to Chardack.

Claims 17 and 18 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Rau in view of U.S. Patent No. 6,068,588 to Goldowsky.